

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FRANCISCO CAMPOS,

Plaintiff

Case No. 2:21-cv-00093-APG-NJK

ORDER

v.

CHARLES DANIELS, *et al.*,

Defendants

I. DISCUSSION

On January 15, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*, Docket Nos. 1-1, 1. Plaintiff’s application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted an inmate account statement for the previous six-month period with his application.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis*, Docket No. 1, without prejudice because the application is incomplete. The Court will grant Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents. Plaintiff will file a fully complete application to proceed *in*

1 *forma pauperis* on or before **March 29, 2021**. Absent unusual circumstances, the Court will not
 2 grant any further extensions of time. If Plaintiff does not file a fully complete application to
 3 proceed *in forma pauperis* with all three required documents on or before **March 29, 2021**, this
 4 case will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court
 5 when Plaintiff is able to acquire all three of the documents needed to file a fully complete
 6 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

7 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
 8 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
 9 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file
 10 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before
 11 **March 29, 2021** to proceed with this case.

12 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will
 13 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed
 14 *in forma pauperis* with all three documents or pays the full \$402 filing fee.

15 **II. CONCLUSION**

16 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma*
 17 *pauperis*, Docket No. 1, is denied without prejudice to file a new fully complete application to
 18 proceed *in forma pauperis* with all three documents.

19 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
 20 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
 21 information and instructions for filing an *in forma pauperis* application.

22 IT IS FURTHER ORDERED that on or before **March 29, 2021**, Plaintiff will either pay
 23 the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
 24 administrative fee) or file with the Court:

25 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
 26 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
 27 3),

28 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official

1 (i.e. page 4 of this Court's approved form), and

2 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
3 **six-month period.**

4 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
5 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action
6 on or before **March 29, 2021**, this case will be subject to dismissal without prejudice for Plaintiff
7 to refile the case with the Court, under a new case number, when Plaintiff has all three documents
8 needed to file a complete application to proceed *in forma pauperis* or pays the the full \$402 filing
9 fee.

10 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket
11 No.1-1, but the Court will not file it at this time.

12 IT IS SO ORDERED.

13 DATED: January 21, 2021

14 
15 _____
16 NANCY J. KOPPE
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28